

REMARKS

Claims 1 to 5, 7 to 22 and 24 to 26 are pending in this application. Claims 1, 12 and 22 are the independent claims. Favorable reconsideration and further examination are respectfully requested.

Initially, Applicants thank the Examiner for conducting an interview on August 11, 2008. The Examiner indicated that if the Applicants amended the claims as amended herein that the amendment would overcome the cited art. No other agreement was reached between the Examiner and the Applicants on the claims.

Claims 1, 4, 5, 7, 8, 12, 15, 16 and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Le Gouriellec et al. (U.S. Patent Publication Number 20030112756 hereinafter "Le Gouriellec").

Claim 1 is directed to a method for providing committed access rate (CAR). The method includes classifying each received packet in an IP/Ethernet network into one of a plurality of quality of service (QoS) groups using information in a header of the packet, measuring and checking a traffic rate profile of the received packet against a corresponding service level agreement (SLA), marking the packet as one of an in profile packet and an out of profile packet and performing packet buffer memory reservation to guarantee memory space for in profile CAR packets. A CAR packet is an in profile packet if the CAR packet is within the corresponding SLA so that the CAR packet receives congestion-free service and wherein a CAR packet is

marked as an out of profile packet if the CAR packet exceeds the SLA and is transmitted with best effort service without dropping the out of profile packet.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1. In particular, Le Gouriellec does not disclose or suggest that a CAR packet is marked as an out of profile packet if the CAR packet exceeds the SLA and is transmitted with best effort service without dropping the out of profile packet.

The Examiner has likened dropping packets to providing best effort of service (see, page 3, 13 and 14 of the Office Action). Applicants have amended claim 1 to exclude dropping packets from best effort of service. Therefore, Le Gouriellec does not disclose or suggest that a CAR packet is marked as an out of profile packet if the CAR packet exceeds the SLA and is transmitted with best effort service without dropping the out of profile packet as recited in claim 1.

Claims 12 and 22 have corresponding features to claim 1. Applicants submit that the Le Gouriellec reference should also be withdrawn with respect to claims 12 and 22 for at least the same reasons as claim 1.

For at least the foregoing reasons, Applicants request withdrawal of the art rejection.

Applicants submit that all dependent claims depend on allowable independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for withdrawing the prior art cited with regards to any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this

Applicants : Chien-Hsin Lee et al.
Serial No. : 10/675,009
Filed : September 30, 2003
Page : 11 of 11

Attorney's Docket No.: INTEL-047PUS
Intel Docket No. P16860

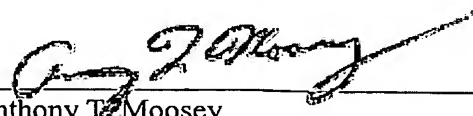
paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants' attorney can be reached by telephone at (781) 401-9988 ext. 123.

Enclosed is a Petition for a One-Month Extension of Time. No other fee is believed to be due for this Response; however, if any other fees are due, please apply such fees to Deposit Account No. 50-0845 referencing Attorney Docket: INTEL-047PUS.

Respectfully submitted,

Date: August 13, 2008



Anthony T. Moosey
Reg. No. 55,773

Attorneys for Intel Corporation
Daly, Crowley, Mofford & Durkee, LLP
354A Turnpike Street - Suite 301A
Canton, MA 02021-2714
Telephone: (781) 401-9988 ext. 123
Facsimile: (781) 401-9966